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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,147	10/14/2005	Werner Fuchs	P05,008.3	1033
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SCHIEF HARDIN, LLP PATENT DEPARTMENT 6600 SEARS TOWER CHICAGO, IL 60606-6473				
EXAMINER				
PHAM, ANDY L				
ART UNIT		PAPER NUMBER		
2854				
MAIL DATE		DELIVERY MODE		
06/19/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,147

Applicant(s)

FUCHS ET AL.

Examiner

ANDY L. PHAM

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 32-62 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1, claim(s) 32, 33, 57, drawn to wherein an inlet roll is situated before the frame and a stabilizing roll is positioned after the frame as said stationary rolls, and said stationary rolls feed the web in and lead it away.

Group 2, claim(s) 32, 34, 36, 57, drawn to wherein along the web there is situated at least one sensor that acquires a sagging at one side of the web and indicates it via a control device, and in which, dependent on the display, the second axis of rotation is pivoted.

Group 3, claim(s) 32, 34, 37, 38, 57, drawn to wherein a sensor is situated in a vicinity of the frame at both sides of the web.

Group 4, claim(s) 32, 39, 40, 57, drawn to wherein a sensor acquires a force that is exerted at one side at an inlet roll via which the web is fed into the frame.

Group 5, claim(s) 32, 41, 57, drawn to wherein a distribution of a tension of the web in an area between the two positionable rolls of the frame is acquired by sensors as a one-sided sagging or as a wave.

Group 6, claim(s) 32, 42, 43, 52, 53, 54, 57, 59, 60, drawn to wherein as seen in the movement direction of the web after the fixing station there is situated a draw-off device for the web that is pivotable in order to correct a one-sided sagging of the web.

Group 7, claim(s) 32, 42, 43, 52, 55, 57, 59, 60, 61, drawn to wherein a tension of the web in an area of the fixing station is acquired by at least one sensor, the pivoting of the draw-off device being dependent on a signal of the at least one sensor.

Group 8, claim(s) 32, 42, 43, 52, 56, 57, 59, 60, 62, drawn to wherein the fixing station operates in contactless fashion.

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Group 9, claim(s) 32, 42, 44, 45, 46, 57, drawn to wherein the axis of rotation runs substantially perpendicular to the web.

Group 10, claim(s) 32, 47, 57, drawn to wherein first sensors on the pivotable frame as well as second sensors in an area of a fixing station monitor the web, a control unit which pivots the pivotable frame about the second axis of rotation dependent on signals from the first sensors and the control unit pivots a draw-off device about an axis of rotation dependent on signals from the second sensors.

Group 11, claim(s) 32, 48, 57, drawn to wherein first sensors in an area of an inlet roll and second sensors in an area of a fixing station monitor the web, and in which a control unit pivots the pivotable frame about the second axis of rotation dependent on signals from the first sensors, and pivots a draw-off device about an axis of rotation dependent on signals from the second sensors.

Group 12, claim(s) 32, 49, 57, drawn to wherein only first sensors in an area of an inlet roll acquire the web, and a control unit rotates the pivotable frame about the second axis and rotates a draw-off device about an axis of rotation dependent on signals from first sensors.

Group 13, claim(s) 32, 50, 57, drawn to wherein the endless web is designed as a paper web without edge perforation.

Group 14, claim(s) 32, 51, 57, drawn to wherein it is used in a printer or copier.

Group 15, claim(s) 32, 57, 58, drawn to wherein at least one sensor is situated along the web, a signal of which is dependent on a sagging of one side of the web, and in which the signal is supplied to a control circuit that pivots the frame about the second axis of rotation in such a way that the one-sided sagging of the web is reduced or is controlled to a value zero.

2. The inventions listed as Groups 1-15 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

as shown in reference Gnuechtel et al. (EP 0 367 368 A1) submitted as Prior Art in view of Keel (US 6,676,066), these references establish a lack of unity a posteriori,

and the technical features of claims 32 and 57 are not technical features that define a contribution over the prior art.

3. Claims 32 and 57 link inventions 1 through 15. The restriction requirement among the linked inventions is **subject to the nonallowance** of the linking claims, claims 32 and 57. Upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions **shall be withdrawn** and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104. **Claims that require all the limitations of an allowable linking claim** will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Amendments submitted after final rejection are governed by 37 CFR 1.116; amendments submitted after allowance are governed by 37 CFR 1.312.

Applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, the allowable linking claim, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDY L. PHAM whose telephone number is (571)270-1877. The examiner can normally be reached on Monday-Friday 7:30-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ALP

/Ren L Yan/
Primary Examiner, Art Unit 2854